he should not be slammed with unprecedented, punitive fines.

We need laws to protect the environment, but the interpretation and enforcement of law must be blended with common sense and judgment. Take wetlands protection, for instance. Some wetlands perform critical roles in protecting water supplies and providing important wildlife habitat. Other wetlands are lower value muskeg. The letter of the law may not make the distinction, but human beings with the responsibility of enforcing the law should understand the difference.

These ''bolt from the blue'' letters that Alaskans are getting in their mailbox are postmarked Seattle. The EPA regional office ''in charge'' of Alaska is in Seattle. What the EPA folks in Seattle know of Alaska they get from their brief visits, or from their small staff in Anchorage. They aren't our neighbors. They aren't Alaskans. I want to change that.

At the risk of enticing the mad dog from an adjacent neighborhood to our own backyard, I am renewing my efforts to force EPA to create a separate region for Alaska. That way, the EPA officials writing these letters will at least have a chance to better understand the environment in which we live. They would live in our neighborhoods, and send their kids to school with ours. If you're going to get fined, they'll have to look us in the eye. There would be no more scary certified letters from distant bureaucrats in Seattle.

In the meantime, I'm inviting the Regional Administrator of the EPA to come and stand with me on Gravina Island, across from Ketchikan, where 13 feet of rain falls each year. As the rain from a driving rainstorm fills his wingtips and rivulets of water cascade down the hill into the Tongass Narrows, I'll ask him to point out where the wetlands end and the uplands begin. I'll also ask him to describe the irreplaceable environmental value of the muskeg that the EPA wants us to keep undisturbed. If I'm not satisfied with his answers I'll advise him to start looking at real estate in Alaska, and suggest he hold a garage sale in preparation for a move out of Seattle. Meanwhile, be afraid. Be very afraid.

NUCLEAR TROJAN HORSE

Mr. MURKOWSKI. Mr. President, physicians use a specially engineered radioactive molecule as sort of a nuclear Trojan horse in the battle against pancreatic cancer. The molecule is absorbed by the cancer cells and only by the cancer cells. Once inside, the radiation breaks up the DNA and kills the tumor cell—another amazing tool in the war on cancer.

The physicians, technicians and even clean-up crews must carefully dispose of the medium that stored the radioactive molecule and other items that may have come in contact with the radioactive materials. There are strict procedures for disposing of such wastes by hospitals, universities, power plants and research facilities.

But, in a way, that waste itself is a Trojan horse, sitting innocently in garages or closets in sites all over the country, waiting to be opened up and released on the public by an act of terrorism or of nature like the recent floods the East sustained, or the earthquakes and wildfires more common to the West coast. Most dangerous would be fire which would put the radioactive materials into smoke that could be breathed by anyone near the fire.

Why is this a problem? Because there are only three facilities in the entire country that safely can accept such low-level radioactive waste, LLRW: that is material contaminated as a result of medical and scientific research, nuclear power production, biotechnology and other industrial processes. In 1996, about 7,000 cubic meters of LLRW was produced in the nation.

A study released by the General Accounting Office at the end of September 1999, holds out little hope for the construction of any new low-level radioactive waste disposal sites as envisioned under the Low-Level Radioactive Waste Policy Act, signed by President Jimmy Carter in 1980. That legislation resulted from states lobbying through the National Governors' Association (NGA) to control and regulate LLRW disposal. An NGA task force, that included Governor Bill Clinton of Arkansas and was chaired by Governor Bruce Babbitt of Arizona, recommended the states form special compacts to develop shared disposal facilities.

The GAO study, which I requested, states, ''By the end of 1998, states, acting alone or in compacts, had collectively spent almost $600 million attempting to develop new disposal facilities. However, none of these efforts have been successful. Only California successfully licensed a facility, but the federal government did not transfer to the state federal land on which the proposed site is located.''

Secretary of the Interior Bruce Babbitt stopped the California facility at Ward Valley from ever becoming reality. National environmental groups and Hollywood activists made Ward Valley a rallying cry, claiming waste would seep through the desert to the water table and into the Colorado River. They claimed to believe this despite two complete environmental impact statements that found no significant environmental impacts associated with a disposal facility at Ward Valley in the Mojave Desert. Secretary Babbitt asked the National Academy of Science to convene an expert panel to determine whether the Colorado River was threatened, and said he would abide by their conclusions. In May 1995, the Academy scientists concluded that the Colorado River was not at risk. Yet, the property was never transferred.

But the importance of this issue extends well beyond the borders of the State of California or the borders of its fellow compact members, Arizona, and North and South Dakota, which thought they had a deal with the federal government. The losers are all Americans who believe the President and the executive branch should uphold federal law, not ignore it and obstruct it for the sake of campaign contributions.

The GAO states that several reasons are behind the rest of the states giving up on siting new waste disposal facilities. Public and political opposition is cited as the strongest prohibiting factor. Another reason is that, for the time being, states have access to a disposal facility at Barnwell in South Carolina, Richland in Washington State and Envirocare in Utah. A very positive reason cited is the reduction in the volume of low-level waste that is being generated, with waste management and treatment practices including compaction and incineration.

However, the report cautions, ''Within 10 years, waste generators in the 41 states that do not have access to the Richland disposal facility may once again be without access to disposal capacity for much of their low-level radioactive wastes.'' Barnwell could decide to close or curtail access as early as 2000, and, at best, will only be open until 2010. The Utah facility disposes of wastes that are only slightly contaminated with radioactivity and thus is not available for all storage.

In ten years states will be searching for storage as well as disposal. That storage will be near every university, pharmaceutical company, hospital, research facility or nuclear power plant. It may be down the street from you or within your city limits. And we have the Clinton administration to thank for bringing the materials into our communities like a quiet Trojan horse instead of working with states to establish a secure waste facility. Let's hope nothing ever opens the belly of the beast accidentally.

TAKEOVER OF THE FISHERIES IN ALASKA

Mr. MURKOWSKI. Mr. President, the Secretary of the Interior today, under the authority of current law, has taken over the management of fisheries in my State of Alaska. Our State legislature has been trying to resolve this problem, along with the Governor and our delegation, for some time. Unfortunately, we were unable to resolve it within the timeframe, so the Feds have officially taken over beginning today.

I have directed a letter to the Secretary of Interior putting him on notice that, as chairman of the committee of oversight, chairman of the Energy Committee, I will be conducting a series of oversight hearings on the implementation of his regulations to ensure there is a cooperative effort and involvement of a public process with the State of Alaska, Department of Fish and Game, and the people of Alaska, as he promulgates his regulations, to ensure we are not taken advantage of by an overzealous effort by the Department of Interior to mandate procedures only in the State of Alaska.

We are the only State in the Union where the Federal Government has taken over the management of fish and game. Many Alaskans are wondering just what statehood is all about if, indeed, we are not given the authority to manage our fish and game.

I will save that for another day. I yield the floor.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I said Tuesday of last week that the series of votes the Senate took that day, in which we were unable to consider and vote on the nominations of Judge Richard Paez and Marsha Berzon, was unprecedented. I expressed my concern that the Senate not go so far off the tracks of our precedents that we end up creating a problem, not just for this administration, but for any future administration.

Today, we at least break out of the impasse of last week, and move forward toward voting on all the judicial nominations before the Senate. Just so we understand where we are, I said last week that Democrats were prepared to vote on all of the judicial nominations pending on the Senate Executive Calendar. Today we provided additional evidence of our resolve to do so. We did that by agreeing to a debate and a confirmation vote on the nomination of Brian Theadore Stewart to the United States District Court for the District of Utah, as well as other nominees pending before the Senate.

Of course, the Senate has confirmed Victor Marrero and James Lorenz. I congratulate, incidentally, Senator SCHUMER and Senator FEINSTEIN and Senator BOXER, for the efforts they have made on behalf of those nominees.

I thank the Democratic leader for all his efforts in resolving this impasse, in securing a vote on the nomination of Ray Fisher, and, in particular, a vote on the nomination of Justice Ronnie White. Justice Ronnie White is eventually, finally—I emphasize finally—going to get an up-or-down vote next Tuesday. Also, Ray Fisher and Mr. Stewart will be voted on next Tuesday.

But our work is not complete. I look forward to working with the majority leader to fulfill the Senate's duty to vote on the nominations of Judge Richard Paez and of Marsha Berzon. These are nominations that have been pending for a very long time.

This debate is about fairness and the issue that remains is the issue of fairness. For too long, nominees—judicial nominees such as Judge Paez, Ms. Berzon and Justice Ronnie White of Missouri, and executive branch nominees like Bill Lann Lee, have been opposed in anonymity, through secret holds and delaying tactics—not by straight up-or-down votes where Senators can vote for them or vote against them.

They have been forced to run some kind of strange in-the-dark gauntlet of Senate confirmations. Those strong enough to work through that secret gauntlet and get reported to the floor are then being dealt the final death blow through a refusal of the Republican leadership to call them up for a vote. They should be called up for a fair vote. They may be defeated—the Republicans are in the majority; there are 55 Republican Senators; they could vote them down. But let them have a fair vote, up or down. Let all Senators have to stand up and vote aye or nay, and be responsible to their constituency to explain why they voted that way. Unfortunately, nominations are being killed through neglect and silence, not defeated by a majority vote.

So I ask, again, for the Senate to fulfill its responsibility to vote on all the judicial nominations on the calendar; vote for them or vote against them. We can vote them up or we can vote them down, but after 44 months or 27 months or 20 months, let us vote.

Judge Richard Paez has an extraordinary record. He was praised by Republicans and Democrats before our committee. He was nominated January 25—not January 25 of this year, 1999; not January 25 of 1998; not January 25 of 1997; but January 25 of 1996. He has been pending 44 months. Vote for him or vote against him, but do not put him in this kind of nomination limbo, which becomes a nomination hell.

Justice Ronnie White, an extraordinary jurist from Missouri, an outstanding African American jurist, he was nominated on June 26—not June 26 of 1999, not June 26 of 1998, but June 26 of 1997. After more than two years, this nomination remains pending. Vote up, vote down, but do not take such an insulting and arrogant and demeaning attitude on behalf of the Senate of not allowing this good jurist to come to a vote.

Marsha Berzon, again, nominated January 27, but not of this year, of last year. Her nomination has been pending for almost two years. Allow her to come to a vote.

I contrast this, even though we have a Democratic President and nominations are usually the prerogative of whoever the President is, of that party, with a nomination made on behalf of a Republican Senator who happens to be a dear friend of mine. That man was nominated on July 27 this year, barely two months ago. That nomination, the nomination of Brian Theadore Stewart, will be voted on next week. Good for him, I say.

He has been considered promptly and will be brought up for an up or down vote. There are some on this side of the aisle who oppose him and will vote against him. But every single Democrat, whether they are going to vote against him or for him, should allow him to be voted on and they will. That nomination has been pending 2 months.

Let us have the same fairness on the other side of the aisle for Marsha Berzon, after 20 months, Justice Ronnie White after 27 months, and Judge Richard Paez after 44 months, especially—and some people may wish I would not say this on the floor, but especially after the nonpartisan report which came out last week that confirmed what I have said on this floor many a time—especially for nominees who are women and minorities. I have observed before that if you are a minority or if you are a woman, this Senate, as presently constituted, will take far, far longer to vote on your confirmation than if you are a white male. That is a fact. That is fact, something that started becoming evident a few years ago and has now been confirmed in a nonpartisan report.

Let me repeat that. If you are a minority, if you are a woman, you will take longer to be confirmed than if you are a white male, by this Senate as presently constituted. And that is wrong. I advise Senators, I have checked on Judge Richard Paez, Justice Ronnie White, and Ms. Marsha Berzon, and nobody objects on the Democratic side of the aisle to them coming to a vote. We are prepared to vote at any time, any moment, any day. There are no holds on this side of the aisle.

I said last week I do not begrudge Ted Stewart a Senate vote. I do not. He is entitled to a vote. He went through the confirmation process. The Senate Judiciary Committee voted him out. It was not a unanimous vote, but he was voted out of the committee, and he is entitled to a vote. If Senators do not want to vote for him, vote against him. If Senators want to vote for him, vote for him. I intend to vote for him. I intend to give the benefit of the doubt both to the President and to the chairman of the Senate Judiciary Committee who recommended him.

But I also ask the same sense of fairness be shown to everybody else on the calendar. The Senate was able to consider and vote on the nomination of Robert Bork to the U.S. Supreme Court, as controversial as that was, in 12 weeks. The Senate was able to consider and vote on the nomination of